

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Thu 13b

DATE: July 20, 2006

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Carlsbad's actions, certifying Local Coastal Program Amendment No. 3-04B (NPDES), approved with suggested modifications, are legally adequate (for Commission review at its meeting of August 8-11, 2006)

BACKGROUND

At its February 9, 2006 meeting, the Coastal Commission certified, with suggested modifications, the City of Carlsbad Local Coastal Program Amendment #3-04B, incorporating the requirements of the City's National Pollution Discharge Elimination System (NPDES) municipal stormwater permit into the certified LCP. By their action adopting Resolution 2006-130 on May 16, 2006 and Ordinance NS-801 on June 6, 2006, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications revise the proposed LCP language to clarify the SUSMP and Master Drainage Plan will become part of the LCP, expand the policies currently contained in the LUP to include language the City has recently incorporated into the Open Space and Conservation Elements of the General Plan, and add policies necessary to guide and direct implementation of the SUSMP, Grading Ordinance and Storm Water Ordinance in the coastal zone. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Carlsbad is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission CONCUR with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

Exhibit 2

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RESOLUTION NO. 2006-130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A LOCAL COASTAL PROGRAM AMENDMENT, TO ACKNOWLEDGE AND ADOPT THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS FOR LCPA 01-15.

CASE NAME: NPDES STORMWATER UPDATE

CASE NO.: LCPA 01-15(A)

The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, the Planning Commission on January 2, 2002, held a duly noticed public hearing as prescribed by law to consider Zone Code Amendment ZCA 01-08 and Local Coastal Program Amendment LCPA 01-15 and adopted Planning Commission Resolutions No. 5130 and 5131 recommending to the City Council that they be approved; and

WHEREAS, the City Council on February 19, 2002, held a duly noticed public hearing as prescribed by law to consider said ZCA and LCPA and adopted City Council Resolution No. 2002-061 and Ordinance NS-622 to approve the amendments; and

WHEREAS, the California Coastal Commission on February 9, 2006, held a duly noticed public hearing as prescribed by law to consider an amendment to the Local Coastal Program and acted to certify the amendment with suggested modifications.

WHEREAS, the City Council on the 16th day of May, 2006, (1) acknowledged receipt of the Coastal Commission's resolution of certification, including the suggested modifications, and (2) held a duly noticed public hearing as prescribed by law to consider the suggested modifications, which constitute an amendment to the Local Coastal Program and the Zoning Ordinance.

WHEREAS, acceptance of the California Coastal Commission's suggested modifications, as set forth in this resolution, is necessary to comply with the California Coastal Act;

The City Council of the City of Carlsbad, California does hereby resolve as follows:

CAR LCPA 3-04B
CITY RES. OF APPROVAL
EXHIBIT #1

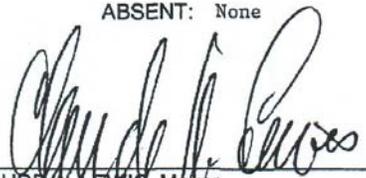
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1. That the above recitations are true and correct.
2. That the suggested modifications will meet the requirements and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act.
3. That approval of the suggested modifications is necessary to maintain consistency between the City's Zoning Ordinance and the Local Coastal Program.
4. That the suggested modifications to Local Coastal Program Amendment LCPA 01-15, are approved as shown in Attachment "B" on file in the Planning Department and attached hereto.
5. That staff is directed to initiate all actions required to satisfy and implement the suggested modifications to LCPA 01-15.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 16th day of May 2006, by the following vote, to wit:

AYES: Council Members Lewis, Hall, Kulchin, Packard, Sigafoose
NOES: None
ABSENT: None



CLAUDE A. LEWIS, Mayor

ATTEST:


LORRAINE M. WOOD, City Clerk

(SEAL)



ORDINANCE NO. NS-801

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA AMENDING VARIOUS SECTIONS OF CHAPTERS 21.203 AND 21.205 OF TITLE 21 OF THE CARLSBAD MUNICIPAL CODE TO IMPLEMENT NEW STORMWATER PROTECTION REQUIREMENTS OF THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO MUNICIPAL STORMWATER ORDER NO. 2001-01 INCORPORATING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS.
CASE NAME: NPDES STORMWATER UPDATE
CASE NO.: ZCA 01-08(A)

The City Council of the City of Carlsbad, California, does ordain as follows:

WHEREAS, the Planning Commission on January 2, 2002, held a duly noticed public hearing as prescribed by law to consider Zone Code Amendment ZCA 01-08 and Local Coastal Program Amendment LCPA 01-15 and adopted Planning Commission Resolution Nos. 5130 and 5131 recommending to the City Council that they be approved; and

WHEREAS, the City Council on February 19, 2002, held a duly noticed public hearing as prescribed by law to consider said ZCA and LCPA and adopted City Council Resolution No.2002-061 and Ordinance NS-622 to approve the amendments; and

WHEREAS, the California Coastal Commission on February 9, 2006, held a duly noticed public hearing as prescribed by law to consider an amendment to the Local Coastal Program and acted to certify the amendment with suggested modifications. A ~~strikeout~~/highlight version is attached as Attachment "A".

The City Council of the City of Carlsbad, California does hereby resolve as follows:

SECTION 1: That Title 21, Chapter 21.203 of the Carlsbad Municipal Code is amended by the amendment of Section 21.203.040(B)(3) to read as follows:

3. Areas West of I-5. For areas west of the existing Paseo del Norte, west of Interstate 5 and along El Camino Real immediately upstream of the existing storm drains, the following policy shall apply:

a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1) the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, and as amended, and the Master Drainage Plan dated 1994, as those documents are certified as part of the City's LCP; (2) the

1 Hydrology Manual to the extent that these requirements are not inconsistent with any policies of
2 the LCP, and (3) the additional requirements contained herein. Such mitigation shall become
3 an element of the project, and shall be installed prior to the initial grading.

4 b. In addition, the following standards shall apply:

5 i. Priority projects identified in the SUSMP will incorporate structural Best
6 Management Practices (BMP's) and submit a Water Quality Technical Report as
7 specified in the National Pollutant Discharge Elimination System (NPDES) permit and in
8 the SUSMP.

9 ii. Structural BMP's used to meet SUSMP requirements for priority projects
10 shall be based on the California Stormwater Quality Association (CASQA) Stormwater
11 Best Management Practice Handbook, dated January 2003, or the current version of
12 that publication, and designed to infiltrate, filter or treat the runoff produced from each
13 storm event up to and including the 85th percentile 24-hour storm event.

14 iii. Priority projects will include projects increasing impervious area by more
15 than 2,500 square feet or by more than 10% of existing impervious area, that are in,
16 adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the
17 City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April
18 2003, using the definitions of "adjacent to" and "draining directly to" that are found in the
19 SUSMP.

20 iv. The City shall include requirements in all coastal development permit
21 approvals to inspect and maintain required BMP's for the life of the project.

22 v. The City will encourage and support public outreach and education
23 regarding the potential water quality impacts of development.

24 vi. Development shall minimize land disturbance activities during
25 construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas
26 (including steep slopes, unstable areas and erosive soils), to minimize impacts on water
27 quality of excessive erosion and sedimentation. Development shall incorporate soil
28 stabilization BMP's on disturbed areas as soon as feasible.

29 vii. Projects within 200-feet of the Pacific Ocean shall be dealt with as
30 "Projects Discharging to Receiving Waters within Environmentally Sensitive Areas" as
31 defined in Appendix I of the SUSMP, including being treated as a priority project if they
32 create more than 2,500 square feet of impermeable surface or increase the
33 impermeable surface on the property by more than 10%.

34 viii. Although residential developments of less than 10 units, including single
35 family residences, are generally exempt from the SUSMP priority project requirements,
36 they shall meet those requirements, including achievement of the numerical sizing
37 standard, if they are in, within 200-feet of, or discharging directly to an ESA, including
38 the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer
39 showing that as the project is designed they are mitigating polluted runoff, including dry
40 weather nuisance flows, to the maximum extent practicable.

41 ix. Detached residential homes shall be required to use efficient irrigation
42 systems and landscape designs or other methods to minimize or eliminate dry weather
43 flow, if they are within 200-feet of an ESA, coastal bluffs or rocky intertidal areas.

44 c. Mitigation shall require construction of all improvements shown in the master
45 drainage plan and any amendments to them for the area between the project site and the
46 lagoon (including the debris basin), as well as revegetation of graded areas immediately after
47 grading; and a mechanism for permanent maintenance if the city declines to accept the
48 responsibility. Construction of drainage improvements may be through formation of an
49 assessment district, or through any similar arrangement that allocates costs among the various
50 landowners in an equitable manner.

1 SECTION 2: That Title 21, Chapter 21.203 of the Carlsbad Municipal Code is
2 amended by the amendment of Section 21.203.040(B)(4) to read as follows:

3 4. All Other Areas in the Coastal Zone.

4 a. All development must include mitigation measures for the control of urban runoff
5 flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1)
6 the requirements of the City's Grading Ordinance, Stormwater Ordinance, Standard Urban
7 Storm Water Mitigation Plan (SUSMP) dated April 2003 and as amended, and the Master
8 Drainage Plan dated 1994, as those documents are certified as part of the City's LCP; (2) the
9 City's Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County
10 Hydrology Manual to the extent that these requirements are not inconsistent with any policies of
11 the LCP and (3) the additional requirements contained herein. Such mitigation shall become an
12 element of the project and shall be installed prior to the initial grading.

13 b. In addition, the following standards shall apply:

14 i. Priority projects identified in the SUSMP will incorporate structural Best
15 Management Practices (BMP's) and submit a Water Quality Technical Report as
16 specified in the National Pollutant Discharge Elimination System (NPDES) permit and in
17 the SUSMP.

18 ii. Structural BMP's used to meet SUSMP requirements for priority projects
19 shall be based on the California Stormwater Quality Association (CASQA) Stormwater
20 Best Management Practice Handbook, dated January 2003, or the current version of
21 that publication, and designed to infiltrate, filter or treat the runoff produced from each
22 storm event up to and including the 85th percentile 24-hour storm event.

23 iii. Priority projects will include projects increasing impervious area by more
24 than 2,500 square feet or by more than 10% of existing impervious area, that are in,
25 adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the
26 City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April
27 2003, using the definitions of "adjacent to" and "draining directly to" that are found in the
28 SUSMP.

iv. The City shall include requirements in all coastal development permit
approvals to inspect and maintain required BMP's for the life of the project.

v. The City will encourage and support public outreach and education
regarding the potential water quality impacts of development.

vi. Development shall minimize land disturbance activities during
construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas
(including steep slopes, unstable areas and erosive soils), to minimize impacts on water
quality of excessive erosion and sedimentation. Development shall incorporate soil
stabilization BMP's on disturbed areas as soon as feasible.

vii. Projects within 200-feet of the Pacific Ocean shall be dealt with as
"Projects Discharging to Receiving Waters within Environmentally Sensitive Areas" as
defined in Appendix I of the SUSMP, including being treated as a priority project if they
create more than 2,500 square feet of impermeable surface or increase the
impermeable surface on the property by more than 10%.

viii. Although residential developments of less than 10 units, including single
family residences, are generally exempt from the SUSMP priority project requirements,
they shall meet those requirements, including achievement of the numerical sizing
standard, if they are in, within 200-feet of, or discharging directly to an ESA, including
the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer
showing that as the project is designed they are mitigating polluted runoff, including dry
weather nuisance flows, to the maximum extent practicable.

- 1 ix. Detached residential homes shall be required to use efficient irrigation
2 systems and landscape designs or other methods to minimize or eliminate dry weather
3 flow, if they are within 200-feet of an ESA, coastal bluffs or rocky intertidal areas.
- 4 c. Mitigation shall also require construction of all improvements shown in the master
5 drainage plan and amendments to it. No subsequent amendments are a part of this zone unless
6 certified by the Coastal Commission. The general provisions, procedures, standards, content of
7 plans and implementation contained with them are required conditions of development in
8 addition to the provisions below. Approved development shall include the following conditions,
9 in addition to the requirements specified above:
- 10 i. All offsite, downstream improvements (including debris basin and any
11 other improvements recommended in the drainage plan) shall be constructed prior to the
12 issuance of a grading permit onsite. Improvements shall be inspected by city or county
13 staff and certified as adequate and in compliance with the requirements of the drainage
14 plan and the additional requirements of this zone. If the city or county declines to accept
15 maintenance responsibility for the improvements, the developer shall maintain the
16 improvements during construction of the onsite improvements.
- 17 ii. If the offsite or onsite improvements are not to be accepted and
18 maintained by a public agency, detailed maintenance agreements including provisions
19 for financing the maintenance through bonding or other acceptable means shall be
20 secured prior to issuance of the permit. Maintenance shall be addressed in the report
21 required to be submitted with the permit application. The report shall discuss
22 maintenance costs and such costs shall be certified as a best effort at obtaining accurate
23 figures.
- 24 iii. Construction of offsite grading improvements may use an assessment
25 district or any other acceptable manner of financing. Such mechanisms shall be secured
26 by bonding or other acceptable means prior to issuance of a coastal development
27 permit.
- 28 iv. If a public agency agrees to accept maintenance responsibilities, it shall
inspect the facilities prior to onsite construction or grading and indicate if such facilities
assure continued maintenance. No onsite development may take place prior to
acceptance of the drainage improvements.
- v. All areas disturbed by grading shall be planted within sixty days of initial
disturbance and prior to October 1st with temporary or permanent (in the case of
finished slopes) erosion control methods.
- vi. Storm drainage facilities in developed areas shall be improved and
enlarged according to the Carlsbad master drainage plan, incorporating the changes
specified in this Section. Improvement districts shall be formed for presently
undeveloped areas which are expected to urbanize in the future. The improvement
districts shall implement the master drainage plan. Upstream areas in the coastal zone
shall not be permitted to develop incrementally prior to installation of the storm drain
facilities downstream, in order to assure protection of coastal resources. New drainage
facilities, required within the improvement districts shall be financed either by some form
of bond or from fees collected from developers on a cost-per-acre basis.
- vii. When earth changes are required and natural vegetation is removed, the
area and duration of exposure shall be kept at a minimum.
- viii. Soil erosion control practices shall be used against "onsite" soil erosion.
These include keeping soil covered with temporary or permanent vegetation or with
mulch materials, special grading procedures, diversion structures to divert surface runoff
from exposed soils, and grade stabilization structures to control surface water.
- ix. Apply "sediment control" practices as a perimeter protection to prevent
offsite drainage. Preventing sediment from leaving the site should be accomplished by

1 such methods as diversion ditches, sediment traps, vegetative filters, and sediment
2 basins. Preventing erosion is, of course, the most efficient way to control sediment
3 runoff.
4 d. In addition the following shall apply to development within Kelly Ranch:
5 New development and significant redevelopment of private and publicly-owned properties, must
6 incorporate design elements and/or best management practices (BMPs) which will effectively
7 prevent runoff contamination, and minimize runoff volume from the site in the developed
8 condition, to the greatest extent feasible. At a minimum, the following specific requirements
9 shall be applied to development of type and/or intensity listed below:
10 Residential Development. Development plans for, or which include, residential housing
11 development with greater than ten housing units shall include a drainage and pollution runoff
12 control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of
13 runoff produced from each and every storm event up to and including the eighty-fifth percentile
14 twenty-four hour runoff event, prior to conveying runoff in excess of this standard to the
15 stormwater conveyance system. The plan shall be reviewed and approved by the consulting
16 soils engineer or engineering geologist to ensure the plan is in conformance with their
17 recommendations. The plan shall be designed in consideration of the following criteria, and
18 approved prior to issuance of a coastal development permit:
19 i. Maximize the percentage of permeable surfaces and green space to
20 allow more percolation of runoff into the ground and/or design site with the capacity to
21 convey or store peak runoff from a storm and release it at a slow rate so as to minimize
22 the peak discharge into storm drains or receiving water bodies;
23 ii. Use porous materials for or near walkways and driveways where feasible;
24 iii. Incorporate design elements which will serve to reduce directly connected
25 impervious area where feasible. Options include the use of alternative design features
26 such as concrete grid driveways, and/or pavers for walkways.
27 iv. Runoff from driveways, streets and other impervious surfaces shall be
28 collected and directed through a system of vegetated and/or gravel filter strips or other
media devices, where feasible. Selected filter elements shall be designed to (1) trap
sediment, particulates and other solids and (2) remove or mitigate contaminants through
infiltration and/or biological uptake. The drainage system shall also be designed to
convey and discharge runoff from the building site in a non-erosive manner.
v. Selected BMPs shall be engineered and constructed in accordance with
the design specifications and guidance contained in the California Stormwater Best
Management Practices Handbook (Municipal).
vi. The plan must include provisions for regular inspection and maintenance
of structural BMPs, for the life of the project.
Parking Lots. Development plans for, or which include parking lots greater than five thousand
square feet in size and/or with twenty-five or more parking spaces, susceptible to stormwater,
shall incorporate BMPs effective at removing or mitigating potential pollutants of concern such
as oil, grease, hydrocarbons, heavy metals, and particulates from stormwater leaving the
developed site, prior to such runoff entering the stormwater conveyance system, or any
receiving water body. Options to meet this requirement include the use of vegetative filter strips
or other media filter devices, clarifiers, grassy swales or berms, vacuum devices or a
combination of these. Selected BMPs shall be designed to collectively infiltrate, filter or treat the
volume of runoff produced by each and every storm event up to and including the eighty-fifth
percentile twenty-four-hour runoff event. BMPs shall be engineered and constructed in
accordance with the guidance and specifications provided in the California Stormwater Best
Management Handbooks (Commercial and Industrial).
All Development. A public education program shall be designed to raise the level of awareness
of water quality issues around the lagoon including such elements as catch basin stenciling and
public awareness signs.

1 A landscape management plan shall be created that includes herbicide/pesticide management.
2 Such measures shall be incorporated into project design through a water quality/urban runoff
3 control plan and monitoring program to ensure the discharge from all proposed outlets is
4 consistent with local and regional standards. Such measures shall be required as a condition of
5 coastal development permit approval at the subdivision stage.

6 C. Landslides and Slope Instability. Developments within five hundred feet of areas
7 identified generally in the PRC Toups report, Figure 8, as containing soils of the La Jolla group
8 (susceptible to accelerated erosion) or landslide prone areas shall be required to submit
9 additional geologic reports containing the additional information required in the coastal shoreline
10 development overlay zone.

11 D. Seismic Hazards. Development in liquefaction-prone areas shall include site-specific
12 investigations done addressing the liquefaction problem and suggesting mitigation measures.
13 New residential development in excess of four units, commercial, industrial, and public facilities
14 shall have site-specific geologic investigations completed in known potential liquefaction areas.

15 E. Floodplain Development. Within the coastal zone, in the one hundred-year
16 floodplain, no new or expanded permanent structures or fill shall be permitted. Only uses
17 compatible with periodic flooding shall be allowed.

18 F. Reserved.

19 G. Within the Kelly Ranch, scenic public views from Interstate 5, Cannon Road and
20 Agua Hedionda Lagoon shall be preserved, as feasible, through the following measures:

21 1. Landscaping and Setbacks. Use of trees or fire-retardant vegetation with
22 substantial height as a landscape screen and/or setbacks from the ridgelines and open space
23 areas;

24 2. Building Colors. Exterior wall and roof colors shall be of low-intensity earth or
25 vegetative tones. Stucco with accent materials such as tile, natural stone, or other compatible
26 natural building materials shall be preferred. Roof colors shall be low-intensity colors which
27 blend with the environmental setting of the project;

28 3. Residential Building Height. Maximum height limits and variation in roof
heights shall be utilized, as necessary, to minimize visibility of structures from scenic public
roadways, public vista points and public trails.

H. Within the Kelly Ranch, landscaping shall be utilized as a visual buffer and be
compatible with the surrounding native vegetation and preserved open space by incorporation
of the following measures:

1. All residential development shall be required to identify and implement a
landscaping plan that provides for installation of plant species that are native or noninvasive and
drought tolerant to the maximum extent feasible. Ornamental (noninvasive) vegetation shall be
permitted in the interior of residential subdivisions only;

2. Approved landscaping shall be installed immediately upon completion of
construction and maintained by the property owners in good growing condition for the life of the
development;

3. Landscape screening of structures, including specimen trees and fire-
retardant vegetation of substantial height, shall be required to screen and soften the view of
structures from I-5, Cannon Road, Agua Hedionda Lagoon, public trails and public vista points;

4. The landscape treatment shall cause the development to blend in with the
natural setting and present a visually cohesive appearance as viewed from Agua Hedionda
Lagoon, Cannon Road and Interstate 5.

SECTION 3: That Title 21, Chapter 21.205 of the Carlsbad Municipal Code is
amended by the amendment of Section 21.205.060 to read as follows:

21.205.060 Erosion sedimentation, drainage.

1 a. All development must include mitigation measures for the control of urban runoff
2 flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1)
3 the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban
4 Storm Water Mitigation Plan (SUSMP) dated April 2003 and as amended, and the Master
5 Drainage Plan dated 1994, as those documents are certified as part of the City's LCP; (2) the
6 City's Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County
7 Hydrology Manual to the extent that these requirements are not inconsistent with any policies of
8 the LCP, and (3) the additional requirements contained herein. Such mitigation shall become
9 an element of the project and shall be installed prior to the initial grading.

10 b. In addition, the following standards shall apply:

11 i. Priority projects identified in the SUSMP will incorporate structural Best
12 Management Practices (BMP's) and submit a Water Quality Technical Report as
13 specified in the National Pollutant Discharge Elimination System (NPDES) permit and in
14 the SUSMP.

15 ii. Structural BMP's used to meet SUSMP requirements for priority projects
16 shall be based on the California Stormwater Quality Association (CASQA) Stormwater
17 Best Management Practice Handbook, dated January 2003 or the current version of that
18 publication, and designed to infiltrate, filter or treat the runoff produced from each storm
19 event up to and including the 85th percentile 24-hour storm event.

20 iii. Priority projects will include projects increasing impervious area by more
21 than 2,500 square feet or by more than 10% of existing impervious area, that are in,
22 adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the
23 City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April
24 2003, using the definitions of "adjacent to" and "draining directly to" that are found in the
25 SUSMP.

26 iv. The City shall include requirements in all coastal development permit
27 approvals to inspect and maintain required BMP's for the life of the project.

28 v. The City will encourage and support public outreach and education
regarding the potential water quality impacts of development.

vi. Development shall minimize land disturbance activities during
construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas
(including steep slopes, unstable areas and erosive soils), to minimize impacts on water
quality of excessive erosion and sedimentation. Development shall incorporate soil
stabilization BMP's on disturbed areas as soon as feasible.

vii. Projects within 200-feet of the Pacific Ocean shall be dealt with as
"Projects Discharging to Receiving Waters within Environmentally Sensitive Areas" as
defined in Appendix I of the SUSMP, including being treated as a priority project if they
create more than 2,500 square feet of impermeable surface or increase the
impermeable surface on the property by more than 10%.

viii. Although residential developments of less than 10 units, including single
family residences, are generally exempt from the SUSMP priority project requirements,
they shall meet those requirements, including achievement of the numerical sizing
standard, if they are in, within 200-feet of, or discharging directly to an ESA, including
the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer
showing that as the project is designed they are mitigating polluted runoff, including dry
weather nuisance flows, to the maximum extent practicable.

ix. Detached residential homes shall be required to use efficient irrigation
systems and landscape designs or other methods to minimize or eliminate dry weather
flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas.

c. Mitigation shall also require construction of all improvements shown in the master
drainage plan and amendments to it. No subsequent amendments are a part of this zone

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unless certified by the Coastal Commission. The general provisions, procedures, standards, content of plans and implementation contained in them are required conditions of development in addition to the provisions below. Approved development shall include the following conditions, in addition to the requirements specified above:

i. All offsite, downstream improvements (including debris basin and any other improvements recommended in the drainage plan) shall be constructed prior to the issuance of a grading permit onsite. Improvements shall be inspected by city staff and certified as adequate and in compliance with the requirements of the drainage plan and the additional requirements of this zone. If the city declines to accept maintenance responsibility for the improvements, the developer shall maintain the improvements during construction of the onsite improvements.

ii. If the offsite or onsite improvements are not to be accepted and maintained by a public agency, detailed maintenance agreements including provisions for financing the maintenance through bonding or other acceptable means shall be secured prior to issuance of the permit. Maintenance shall be addressed in the report required to be submitted with the permit application. The report shall discuss maintenance costs and such costs shall be certified as a best effort at obtaining accurate figures.

iii. Construction of offsite drainage improvements may use an assessment district or any other acceptable manner. Such mechanisms shall be secured by bonding or other acceptable means prior to issuance of a coastal development permit.

iv. If a public agency agrees to accept maintenance responsibilities, it shall inspect the facilities prior to onsite construction or grading and indicate if such facilities assure continued maintenance. No onsite development may take place prior to acceptance of the drainage improvements.

v. All areas disturbed by grading shall be planted within sixty days of the initial disturbance and prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins and silt traps, shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Said planting shall be accomplished under the supervision of a licensed landscape architect, and shall consist of seeding, mulching, fertilization and irrigation adequate to provide ninety percent coverage within ninety days. Planting shall be repeated if the required level of coverage is not established. This requirement shall apply to all disturbed soils including stockpiles. This requirement shall be a condition of the permit.

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EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in a publication of general circulation in the City of Carlsbad within fifteen days after its adoption. *(Notwithstanding the preceding, this ordinance shall not be effective within the City's Coastal Zone until approved by the California Coastal Commission.)*

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 18th day of May, 2006, and thereafter.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 6th day of June, 2006, by the following vote, to wit:

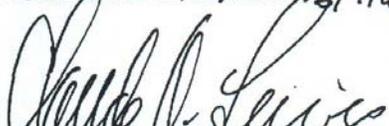
AYES: Council Members Lewis, Hall, Kulchin, Packard, Sigafosse

NOES: None

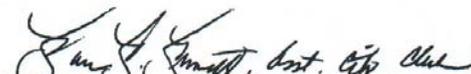
ABSENT: None

APPROVED AS TO FORM AND LEGALITY


RONALD R. BALL, City Attorney 7/7/06.


CLAUDE A. LEWIS, Mayor

ATTEST:


LORRAINE M. WOOD, City Clerk
(SEAL)

